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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,102	08/30/2006	Paul Vanleene	98124	6200
24628	7590	08/22/2007		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER WOLFE, DEBRA M	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,102

Applicant(s)

VANLEENE, PAUL

Examiner

Debra Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/2006</u> | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: force arrow F.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wheels and rails must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.



Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 & 3 recites the limitation "the floor" in line 3 (claim 2) and line 2 (claim 3). Claim 3 recites the limitation "the area" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoehr (US Patent # 4,724,695). Stoehr discloses a changeover system for a metal forming mill comprising of at least one pair of work modules (A, B), the work modules (A, B) of the at least one pair being adapted to be pivoted into and out of a line of work stations of the mill, each work module (A, B) having its own drive (17), wherein within a pair of work modules the two work modules (A, B) are arranged such that when one work module (A) is arranged in the line of work the other one (B) is arranged off the line [See FIG 1-3].



In reference to claim 4, the work modules (A, B) comprise rollers (8U, 8L) for forming an open profile, as seen in figure 3.

In reference to claim 5, Stoehr further comprises of at least two pairs of work modules (A, B) such that the system is adapted to change over the work modules (A, B) of the at least two pairs into and out of the line of work stations at the same time [See FIG 1 & col. 6 lines 14-26].

In reference to claim 6, Stoehr discloses a metal forming mill comprising a line of work stations and a changeover system comprising of at least one pair of work modules (A, B), the work modules (A, B) of the at least one pair being adapted to be pivoted into and out of a line of work stations of the mill, each work module (A, B) having its own drive (17), wherein within a pair of work modules the two work modules (A, B) are arranged such that when one work module (A) is arranged in the line of work the other one (B) is arranged off the line [See FIG 1-3].

2. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Stoehr (US Patent # 4,724,695). Stoehr discloses a process for the changeover from forming of a first metal product to forming of a second metal product in a metal forming mill comprising a line of work stations and a changeover system comprising of at least one pair of work modules (A, B), the work modules (A, B) of the at least one pair being adapted to be pivoted into and out of a line of work stations of the mill, each work module (A, B) having its own drive (17), wherein within a pair of work modules the two work modules (A, B) are arranged such that when one work module (A) is arranged in the line of work the other one (B) is arranged off the line [See FIG 1-3]. The process of Stoehr comprises the steps of stopping the forming of the first metal product, pivoting that work module (A) of a pair of work modules (A, B) which is arranged in the line of work stations



out of the line of work stations, pivoting the other work module (B) of the same pair of work modules (A, B) which is arranged out of the line of work stations into the line of work stations and starting the forming of the second metal product [See col. 5 line 60- col. 6 line 10]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoehr (US Patent # 4,724,695) in view of Abbey, III (US Patent # 5,887,472). Stoehr discloses the invention substantially as claimed except for wherein the metal forming mill is a tube-forming mill. However, Abbey, III teaches that it is a well-known process for producing seam-welded tubes to have a continuous strip be advanced through forming rollers. Therefore, based on the disclosure of Stoehr that states that a strip of metal moves lengthwise along a defined path between paired forming rollers to be deformed and the teaching of Abbey, III that the process of forming a tube is to start with a strip and advance it through a series of forming rollers one of ordinary skill in the art would be able to conclude that the forming mill of Stoehr is capable of being a tube-forming mill. Furthermore, it is noted that Applicant fails to provide any criticality as to the importance of the metal forming mill being a tube-forming mill [See page 7 line 29- page 8 line 2].



2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoehr (US Patent # 4,724,695) in view of Sherwood (US Patent # 3,583,195). Stoehr discloses the invention substantially as claimed except for wherein the work modules are provided with wheels that engage rails to enable a guided pivotal movement of the work modules. However, Sherwood teaches of using a wheel (62) and a rail (24) to provide pivotal movement of a roller-changing platform. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotating means of Stoehr to be a wheel and rail combination as taught by Sherwood in order to provide a more secure pivot motion of the work modules.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 7am - 4:30pm with alternating Friday 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra M Wolfe
Debra M Wolfe
Examiner
Art Unit 3725

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